

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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Theodore Jackson,

Petitioner,

-against-

9:04-CV-1096  
(LEK/GHL)

Michael Rabideau,

Defendant.

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APPEARANCES:

THEODORE JACKSON  
Petitioner, *pro se*

LAWRENCE E. KAHN, U. S. DISTRICT JUDGE

**ORDER**

Petitioner Theodore Jackson has submitted a letter, written on his behalf by Mr. Roderick Kelly of the Neighborhood Defender Service of Harlem, which appears to request appointment of counsel. To the extent Petitioner is trying to file a motion for appointment of counsel, such motion must be accompanied by an affidavit, which shall not contain legal arguments, but must contain factual and procedural background as appropriate for the motion being made (see L.R. 7.1(a)(2)).

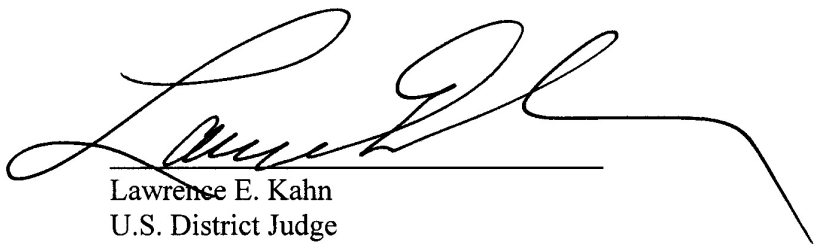
Furthermore, Petitioner failed to indicate that he served his submission on opposing counsel. See Rule 5.1(a) of the Local Rules of Practice for this Court. ("[a]ll pleadings and other papers shall be served and filed in accordance with the Federal Rules of Civil Procedure and shall be in the form prescribed by L.R. 10.1. The party or

its designee shall declare, by affidavit or certification, that it has provided all other parties in the action with all documents it has filed with the Court.").

For the foregoing reasons, **IT IS HEREBY ORDERED** that, to the extent Petitioner's submission is to be construed as a motion for appointment of counsel, such a motion is **DENIED**; and it is further

**ORDERED** that Petitioner's submission be returned to Petitioner; and it is further **ORDERED** that the Clerk serve a copy of this order on all parties by regular mail.

**IT IS SO ORDERED.**



Lawrence E. Kahn  
U.S. District Judge

DATED: April 09, 2007  
Albany, New York